

## AMENDMENT FORM

### Suggestion for amendment of Article 5

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Status: **Member**

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<b><u>Article 5: Fundamental rights</u></b>  1. The Charter of Fundamental Rights shall be an integral part of the Constitution. The Charter is set out [in the second part of/in a Protocol annexed to] this Constitution.  2. The Union may accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Accession to that Convention shall not affect the Union's competences as defined by this Constitution.  3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.	<b><u>Article 5: Fundamental rights</u></b>  1. <u>As a reflection of the political unity reached among the Member States, citizens of the Union are endowed with the rights set out in the</u> <del>The Charter of Fundamental Rights</del> <u>which is</u> <del>shall be</del> an integral part of the Constitution. The Charter is set out in the second part of <del>/in a Protocol annexed to/</del> this Constitution.  2. <del>The Union may accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Accession to that Convention shall not affect the Union's competences as defined by this Constitution.</del>  3. <del>Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.</del>
<b>Explanation:</b> 1. The including of the Charter of Fundamental Rights directly into the Treaty was supported by the vast majority of the Convention and of the Working Group II. The proposed wording is of a more solemn nature. 2. The enabling clause for ECHR accession should be put in the Final Provisions of the Constitutional Treaty.	